

THE HON'BLE SRI JUSTICE GODA RAGHURAM

-
W.P.NO. 19544 OF 2006

-
DATED: 20.09.2006

-
-
-
-
Between:

Polisetti Krishna S/o Venkata Ratnam,
Sri Durga Malleswaraswamivari Devasthanam,
Vijayawada, Krishna District.

...
PETITIONER

And:

Sri Durga Malleswsara swamyvari Devasthanam,
Indra Kiladri, Vijayawada, Krishna District,
rep., by its Executive Officer and another.

...
RESPONDENTS

THE HON'BLE SRI JUSTICE GODA RAGHURAM

-
W.P.NO. 19544 OF 2006

-
ORAL ORDER:

The writ petition is directed against the order of the second respondent, dated 31.08.2006, in O.A.No.47 of 2006, whereby the petitioner was directed to be evicted treating him as an encroacher on termination/determination of his lease for having committed chronic default in payment of lease amount.

As against the order of the second respondent, the petitioner has a remedy by way of revision under Section 92 of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short "the Act") to the Commissioner of Endowments, who has the power, authority and jurisdiction, which is stated to have been delegated to the Regional Joint Commissioner of Endowments, Kakinada.

In view of the statutory remedy, this Court is not inclined to consider the validity of the impugned order in judicial review.

The writ petition is dismissed relegating the petitioner to pursue the remedy under Section 92 of the Act before the Revisional authority. Nothing in this order shall be construed as an expression by this Court on the merits of the impugned order.

The revisional authority, in case the petitioner prefers a revision, shall consider the revision as well as any application filed for interlocutory relief on his own merits. There shall be no order as to costs.

20.09.2006

sh